



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक ७१]

सोमवार, डिसेंबर ५, २०१६/अग्रहायण १४, शके १९३८

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असाधारण क्रमांक ११६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Universities (Temporary postponement of elections and *ad-hoc* formation of university authorities and other bodies) Bill, 2016 (L. A. Bill No. XLIV of 2016), introduced in the Maharashtra Legislative Assembly on the 5th December 2016, is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XLIV OF 2016.

A BILL

to provide for temporary postponement of elections of members of authorities and bodies of the non-agricultural and non-technological Universities and ad-hoc formation of said authorities and bodies by nomination and co-option.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS with a view to strengthen the non-agricultural and non-technological Universities in the State of Maharashtra and make them able to improve the quality of higher education and research, the Government of Maharashtra has introduced L. A. Bill No. XVI of 2016 in the Maharashtra Legislative Assembly and proposed to repeal the Maharashtra Universities

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AND WHEREAS the said Bill has referred to the Joint Committee of both Houses of the State Legislature;

AND WHEREAS in the larger interest of the students, it was considered expedient to provide for formation of the authorities and bodies of the universities by nomination and co-option of members to carry out the functions of the universities;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for temporary postponement of elections of members of authorities and bodies of the non-agricultural and non-technological Universities and *ad-hoc* formation of said authorities and bodies by nomination and co-option; and, therefore, promulgated the Maharashtra Universities (Temporary postponement of elections and *ad-hoc* formation of university authorities and other bodies) Ordinance, 2016, on 1st October 2016; Mah. Ord. XXV of 2016.

AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State Legislature; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Maharashtra Universities (Temporary postponement of elections and *ad-hoc* formation of university authorities and other bodies) Act, 2016.

(2) It shall be deemed to have come into force on 1st October 2016.

Temporary postponement of elections and *ad-hoc* formation of university authorities and bodies. 2. (1) Notwithstanding anything contained in the Maharashtra Universities Act, 1994 (hereinafter referred to as "the Universities Act"), but subject to the provisions of sections 43 and 44 or any Statutes made thereunder,— Mah. XXXV of 1994.

(a) no elections, to the universities mentioned in the Schedule of the Universities Act, for filling of vacancies, caused in any manner whatsoever, of any of the elected members of any of the authorities or bodies of such university, shall be held till the constitution of new authorities and bodies under the proposed new university law or till the 31st August 2017, whichever is earlier;

(b) the nomination of the members on the vacant posts of the various authorities and bodies of the universities shall be made as per the respective provisions of the Universities Act ;

(c) the co-option of the members on the vacant posts of the various authorities and bodies of the universities shall be made as per the respective provisions of the Universities Act.

(2) The members nominated and co-opted as provided in clauses (b) and (c) of sub-section (1) shall hold the posts until new authorities and bodies constituted under the proposed new university law or till the 31st August 2017, whichever is earlier.

Explanation.— For the purpose of this Act, the expression “proposed new university law” means the enactment proposed under the Maharashtra Universities Bill, 2016 (L. A. Bill No. XVI of 2016).

3. Notwithstanding anything contained in the Universities Act, or any statutes made thereunder, no act or proceedings of any authority or any other body of any of the universities, during the said period shall be invalid merely on the ground that the vacancies occurring on any such authority or body required to be filled in by election are not so filled in.

Consequences of temporary postponement of elections of members of authorities and other bodies of the university.

Mah. XXIX of 2015. 4. The Maharashtra Universities (Temporary postponement of elections of members of university authorities and other bodies) Act, 2015, is hereby repealed.

Repeal of Mah. XXIX of 2015.

Mah. Ord. XXV of 2016. 5. (1) The Maharashtra Universities (Temporary postponement of elections and *ad-hoc* formation of university authorities and other bodies) Ordinance, 2016, is hereby repealed.

Repeal of Mah. Ord. XXV of 2016 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the Universities Act and the said Ordinance, shall be deemed to have done, taken or, as the case may be, issued under the corresponding provisions of the Universities Act and this Act.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Universities Act, 1994 (Mah. XXXV of 1994) (hereinafter referred to as "the Universities Act"), provides for constitution of various authorities and bodies of certain non-agricultural and non-technological universities in the State of Maharashtra, consisting of elected, nominated and co-opted members. Section 42(1) of the said Act provides that the term of every authority shall commence on the 1st September and shall be of five years, irrespective of the date on which member has entered upon his office.

2. With a view to strengthen the non-agricultural and non-technological Universities in the State of Maharashtra and make them able to improve the quality of higher education and research, the Government of Maharashtra has introduced L. A. Bill No. XVI of 2016 in the Maharashtra Legislative Assembly and proposed to repeal the Maharashtra Universities Act, 1994. However, the Legislative Assembly has referred the said Bill to the Joint Committee of the State Legislature. It is expected that, the Bill referred to the Joint Committee would come for consideration in the Winter Session of the State Legislature in 2016. On enactment of the new law, the authorities and bodies of the universities will be required to be constituted in accordance with the provisions of such new law.

3. In view of the said proposed law, the election to the authorities and bodies of the universities was temporarily postponed upto the 31st August 2016 by the Maharashtra Universities (Temporary postponement of elections of members of university authorities and other bodies) Act, 2015 (Mah. XXIX of 2015). Since, the process of enactment of new law could not be completed before the 31st August 2016, keeping in view the larger interest of the students, the Government considered it expedient to postpone the elections of the authorities and bodies of the universities and *ad-hoc* formation of the said authorities and bodies by nomination and co-option as per the respective provisions of the Universities Act, to carry out the functions of the university.

4. Both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law, for the aforesaid purposes, the Maharashtra Universities (Temporary postponement of elections and *ad-hoc* formation of university authorities and other bodies) Ordinance, 2016 (Mah. Ord. XXV of 2016), was promulgated by the Governor of Maharashtra on the 1st October 2016.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

VINOD TAWDE,

Minister

Mumbai,
Dated the 8th November, 2016.

for Higher and Technical Education.